

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DEFENDANTS' MOTION TO DISMISS COMPLAINT

The above-captioned Defendants, by and through their counsel, hereby move this Honorable Court to enter an Order dismissing Plaintiff's Complaint with prejudice, pursuant to Fed.R.Civ.P. 12(b)(1) and 12(b)(6), for the reasons set forth in the accompanying Defendants' Opening Brief in Support of Motion to Dismiss.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/Stephani J. Ballard
Stephani J. Ballard (I.D. No. 3481)
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DATED: March 14, 2007

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on March 14, 2007, she caused the attached ***Defendants' Motion to Dismiss Complaint*** to be delivered to the following persons in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Marvin D. Spady
SBI# 224202
DCC
1181 Paddock Road
Smyrna, DE 19977

MANNER OF DELIVERY:

- One true copy by facsimile transmission to each recipient.
- Two true copies by first class mail, postage prepaid, to each recipient.
- Two true copies by Federal Express.
- Two true copies by hand delivery to each recipient.

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